

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

007 - 7 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Part 11 of the) RM-9156
Commission's Rules Regarding)
the Emergency Alert System)

To: The Commission

REPLY COMMENTS OF THE SOCIETY OF BROADCAST ENGINEERS, INC.

The Society of Broadcast Engineers, Incorporated (SBE), the national association of broadcast and communications engineers and technical professionals, by counsel, hereby respectfully submits its reply comments in the captioned proceeding. The proceeding was commenced by a Petition from SBE (the Petition) seeking the initiation of a rulemaking proceeding to accomplish more uniform and reliable operation of the Emergency Alert System (EAS) with added capability. In reply to comments received on the petition during the comment period, SBE states as follows:

1. SBE has received copies of comments from the National Association of Broadcasters (NAB) and from Multi-Technical Services, Incorporated (MTS). Both are well-received by SBE and add substantially and favorably to the record in this proceeding, though neither commenter favors all of the numerous rule changes proposed by SBE's Petition.

2. The two areas of disagreement with the Petition noted by NAB were, first, that a proceeding to "fine-tune" the EAS rules following the "shakedown period" for the new EAS is premature, since the system has only been operating since January of this

Handwritten signature and initials
C + Y
CUB

year. Second, NAB disfavors submission to the Commission of documentation of a station's EAS performance, or any inclusion of EAS-related activity documentation in the station's public file or in the license renewal process.

3. NAB's concern about the timing of the petition is not unreasonable, except that some of the deficiencies with the current EAS configuration have been noted since its inception by the SBE EAS Committee, and some are serious enough as to warrant immediate Commission attention. The EAS has certain potential that has not been realized. SBE submitted certain of these suggestions on an informal basis earlier, but they were not received by the Commission in time to be incorporated in the initial EAS Report and Order. SBE does not agree with NAB that, on the off-chance that certain other necessary changes in the EAS rules might manifest themselves at a later date, the rulemaking called for by the SBE petition should be delayed. SBE urges that the Commission proceed now with the proposed changes in the rules, and it is unfortunate that the urgency of them is apparently not recognized by NAB. It is submitted that NAB has shown no reasonable basis for placing this proceeding on a "back burner"; SBE wants the EAS to work, and work well, and the Petition was submitted in that spirit.

4. NAB opposes the SBE proposal that the Commission ask broadcasters to voluntarily place documentation concerning EAS activations in their public files, or at renewal time. It suggests that broadcasters' commitment to providing audiences with timely information about local emergencies is well-established, and there

is no need to document activities of local broadcasters in this respect. It argues that such a request would be an unnecessary administrative burden.

5. SBE would agree that a mandatory EAS documentation provision for broadcast stations' public files and renewal applications would be an administrative burden. The SBE petition is quite clear, however, that the most that should be called for is voluntary inclusion of such information in the station's records. Indeed, on several occasions, the Commission's lack of information about the effectiveness of its programs has been found by the United States Court of Appeals to be grounds for finding Commission regulations arbitrary and capricious. The Commission should have some means of gathering this information. NAB is quite correct, however, that at least the basic information could be gleaned from the station's EAS logs. In any event, this is not a major element of the SBE Petition, and one that should not detract from the more urgent portions thereof.

6. As to the MTS comments, SBE has the following responses: First, SBE does not propose "an almost total cessation of regular tests" as MTS suggests. The weekly tests, those that actually test the equipment's ability to encode or decode an alert, will remain unchanged. It is only the tests that have mandated relay time frames that are proposed for change due to the burden they place on broadcasters. Further, the change to quarterly testing rather than monthly testing will be at the discretion of the State Emergency

Communication Committee allowing areas not successfully deployed to continue tests on a monthly basis.

7. SBE agrees with MTS that in the case of an optional two tone attention signal, no minimum modulation level should be required while requiring a minimum 50% modulation level for the AFSK EAS audio tones. However, SBE strongly disagrees with MTS on the location code issue. It is suggested that it was manufacturer interpretation of the rules, and not the Commission's intent, that led to the lack of location code verification in an EAN message. The EAS Rules, at §11.52(k), clearly state that "Broadcast stations and cable systems are required to transmit all received EAS messages in which the header code contains the Event codes for Emergency Action Notification (EAN), Emergency Action Termination (EAT), and Required Monthly Test (RMT), with the accompanying location codes for their State and State/county."

This rule goes on to state: "If an EAS source originates any EAS messages with the above Event codes, it must include the location codes for the State and counties in its service area." Section 11.52(e) states "A broadcast station or cable system is required to interrupt normal programming either automatically or manually when it receives an EAS message in which the header code contains the Event codes for Emergency Action Notification (EAN), Emergency Action Termination (EAT), or Required Monthly Test (RMT) for its State or State/county location." Section 11.52(e)(2) states "Decoders must be programmed for the EAN and EAT Event header codes for EAS National level emergencies and the RMT and RWT Event header

codes for required monthly and weekly tests, with the appropriate accompanying State and State/county location codes."

8. No EAS rules allow the elimination of a specific location code from the verification process of an EAN message. SBE continues to believe that location code verification for an EAN event is necessary in order to decrease the chances of error. Indeed, such has already occurred in 1997 when broadcast stations in parts of three states were overtaken by an errant FEMA EAN test of a Chicago PEP station. Additionally, such location code verification is needed to allow for specific area EAN alerting from a national control point, a situation that will likely become necessary before the EAS is replaced.

9. Further, SBE continues to support restricting the CCC code of 000 to facilities holding the designation of SR or higher or any facility acting in that capacity in a temporary reassignment of duty in the relay web. Only a facility empowered to initiate a statewide event and so situated within the relay web need use this code, as this is the only code for which such an event would be appropriate. With consistency comes confidence: Broadcasters need to feel secure that when a message arrives with the CCC code of 000, it is indeed a message of significance to the entire state, and not a mistake from an LP across the state that came to them via the web attached to a message valid only for that LP station's service area. This scenario has already happened in 1997, resulting in the broadcast of events out of a broadcasters coverage

area. Preventing facilities lower than SR from using this code is the solution to this problem.

10. SBE suggests that the location code issue is of monumental importance to the future of EAS. If the system is to become an effective local tool in emergency broadcasting, there will need to be satellite distribution of local EAS messages from as few up-link points as are necessary for security and redundancy. This is the only way to compensate for the lack of local, terrestrial web coverage and signal coverage in some areas. With satellite distribution of local EAS events, proper location code encoding will be vital to specific area decoding.

11. Notwithstanding MTS' alleged lack of requests from customers for text capability, SBE has received many such requests, and other manufacturers in our experience have noted that they have received some as well. Some of these requests have come from Radio and TV stations. These broadcaster requests come from a desire to install new, or replace existing non-EAS text systems that are not reliable and in need of replacement. Their reasoning (and SBE agrees with this), is that, since they were required to spend the money and resources to install this new EAS system, and since this system is webbed together with the necessary sources of detailed emergency information, why can't it be used to transmit this information in text form?

12. The hearing impaired community is very vocal on the detail of information now available via the automated EAS crawl. It is simply not sufficient. The 1/9th county breakdown is not

catching on because few, if any, local non-weather EAS events encompass an area that large; rather, they need to be described in city blocks or county road intersections. While the MTS contention that TV stations can now manually construct and crawl detailed event information without additional regulations is true, the EAS goal of fast and unattended transmission of this life saving information cannot be realized by this manual method.

13. As to the MTS contention that there was no industry sample made toward proposal of a text protocol, there was in fact a letter sent to all manufacturers of record at the time, including MTS, dated March 4, 1997 by the SBE EAS Committee. This letter stated that SBE was contemplating submitting a petition that would include a text protocol. In the letter, SBE expressed the reason for such an addition to the rules, as well as one protocol example suggested to accomplish this goal. It should be noted here that the method SBE suggested was one SBE had included in its comments in response to petitions to reconsider the original rules in the Spring of 1995. The March 4, 1997 letter asked the manufacturers for detailed input toward a text protocol. Also in this letter was an offer by SBE to act as an organizer of a special meeting with manufacturers to discuss a text protocol at the then-upcoming NAB convention. SBE received no response. At the same time, each SBE EAS Committee member received letters of solicitation of a viable text protocol, with a charge to take that request to as many SBE Chapters as possible for input. On March 24, 1997, a second letter, this time with a questionnaire, was sent to all

manufacturers and SBE EAS Committee members. By this time, the EAS Committee had received a second viable proposal for text transmission as the result of the March 4th solicitation. It was presented along with the original SBE proposal. The questionnaire asked for endorsement of one of the two methods or suggestions for an alternative method. SBE feels that this series of letters/questionnaires and resulting responses constitutes a commercially reasonable industry sample and debate. As for the MTS inference that the SBE somehow erred by "working with one manufacturer", it would be a far worse thing to propose a protocol without determining whether it is achievable from a manufacturer's perspective. SBE's goals include effecting only changes that can be made by software and a manufacturer's input was necessary. The manufacturers SBE consulted did not oppose a text protocol throughout the inquiry process, but rather agreed with the need for one. The text protocol proposed is not the original one SBE proposed in the Spring of 1995, but rather one that resulted from the industry sampling described above.

14. SBE agrees with MTS that the length of these text EAS messages are more than a broadcaster might appreciate on their air. MTS is under the impression that if a text protocol is included in the Rules, it will be mandatory for broadcasters to air it on their main audio channel. Nothing can be further from the truth. From the outset, the SBE goal for a text protocol is one that is best carried on a background channel and never on a broadcasters main audio channel. This text distribution is envisioned as a point-to-

multipoint system. In other words, from an emergency managers' dispatch center to each broadcaster who interfaced a receiver to their EAS decoder for such purpose. SBE acknowledges that, except for EAN, EAT, RMT, and RWT, all other EAS messages are voluntary and must remain that way, with the exception of the EVI code covered in another point of the Petition. Once the broadcaster receives the text transmission from the Emergency source on the specific background channel, the manufacturers of EAS equipment should give them the option of what to do with it. Those options may range from crawling it on the TV screen, printing it in a Radio or TV newsroom, or even ignoring it. SBE expects conscientious manufacturers to include in the programming capability of their unit the ability to not allow the special text headers on the program audio loop through circuitry unless the unit is used exclusively on a background channel. That is one of the reasons the Petition proposes a text protocol following the normal EAS message instead of within it. This will simplify returning to normal station program audio before dealing with the text to follow. SBE's intent is to make the text protocol available in the hardware for those areas that want to use it. Others can and will ignore it.

15. SBE agrees with MTS that the National Weather Service has no interest in a text protocol. Most of their situations can be covered by the 1/9th county breakdown, though it is doubtful that they will use that capability. This text protocol is more likely to be used in non-weather local emergencies.

16. SBE disagrees with MTS that implementation of a text protocol will be expensive. SBE sees this and all other petitioned changes to be changes in EAS equipment software.

17. SBE is convinced that some TV stations, not given the choice of airing a local crawl only EAS alert, will not air the alert at all. SBE weighed the reality of TV stations not airing EAS local events against a percentage of the audience not seeing a crawl only alert. SBE believed then, and still does, that a crawl only message is better than no message at all in matters of public service and safety.

18. SBE believes that without Closed Captioning mandates on receiver manufacturers, broadcasters would still only see a few models with that capability and the cost of that option at a premium. We still believe that the path to consumer EAS capable receivers needs to be paved by mandates.

19. In summary, SBE appreciates the support of MTS to those points of our Petition of which they agree. As we read the final paragraph of the MTS comments, it states that some of the SBE Petition proposals "would result in the degradation of the valuable service afforded the public by the EAS". SBE feels that each of the proposals are designed exactly to prevent that. The current state of EAS is one of inconsistency evidenced by some broadcasters and broadcasting groups which have already reduced their EAS participation to the minimum, consistent with basic rule compliance. The goal of the Petition is to change the system to

one that instills confidence in it, thus to entice them back into greater participation.

Therefore, the Society of Broadcast Engineers respectfully again requests that the Commission initiate a rulemaking proceeding at an early date, proposing the EAS rule changes proposed in the Petition for rule making, filed August 14, 1997.

Respectfully submitted,

**THE SOCIETY OF BROADCAST
ENGINEERS, INC.**

By:


Edward J. Miller
President

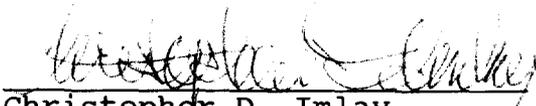
By:


Leonard D. Charles, CPBE
Chairman, SBE EAS Committee SBE
Board of Directors

By:


Dane E. Ericksen, P.E., CSRE,
CSTE
Chairman, SBE FCC Liaison
Committee

By:


Christopher D. Imlay,
Its Counsel

BOOTH, FRERET, IMLAY & TEPPER, P.C.
5101 Wisconsin Avenue, NW, Suite 307
Washington, DC 20016
202/686-9600

October 7, 1997

CERTIFICATE OF SERVICE

I, Ernestine Green, do hereby certify that a true and correct copy of the foregoing Comments of the Society of Broadcast Engineers was sent this 7th day of October, 1997 via first class mail, postage prepaid, to:

NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street, NW
Washington, DC 20036

MULTI-TECHNICAL SERVICES
150 Clayton Commerce Center
Clayton, NC 27520


Ernestine Green